

### **Amendment to the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims**

Claims 1-25 (cancelled).

26. (Currently Amended) A composition, comprising a ~~pharmacologically active dose~~ having at least  $10^9$  cfu of an isolated bacterium of the genus Dietzia, an active fragment thereof, a protein secreted therefrom, or combinations thereof, such that the ~~pharmacologically active dose~~ is capable of reducing or preventing the symptoms of a disease or syndrome whose causative agent is a mycobacterium.

27. (withdrawn) A method of treating a disease or syndrome whose causative agent is a mycobacterium by administering to a mammal the composition of claim 26.

28. (withdrawn) The method of claim 27, wherein the mammal is a bovine.

29. (withdrawn) The method of claim 27, wherein the method comprises oral administration of the composition.

30. (cancelled).

31. (Currently Amended) A composition, comprising a pharmacologically active dose of a bacterium of the genus Dietzia, an active fragment thereof, a protein secreted therefrom, or combinations thereof, such that the pharmacologically active dose is capable of reducing or preventing the symptoms of a disease or syndrome whose causative agent is a mycobacterium, ~~The composition of claim 26~~ where said bacterium is deposited with the American Type Culture Collection as Accession Number PTA-4125.

32. (Previously Presented) The composition of claim 26, further comprising an animal feed.

33. (Previously Presented) The composition of claim 32, wherein the animal feed is selected from the group consisting of grain, hay, straw, silage, cornstalks, corn, corn meal, corn glutenmeal, soybean meal, soy flour, soybean mill feed, cottonseed hulls, oats, barley, hominy, cereal brans, rice mill by-product and mixtures thereof.

34. (Previously Presented) The composition of claim 26, further comprising a feed additive.

35. (Previously Presented) The composition of claim 34, wherein the feed additive is selected from the group consisting of vitamins, minerals, protein supplements, drugs, and mixtures thereof.

36. (Previously Presented) The composition of claim 26, wherein the composition is incorporated into a dosage form selected from the group consisting of tablets, drenches, boluses, and capsules.

37. (Previously Presented) The composition of claim 26, wherein the composition is incorporated into a tablet and further wherein the tablet further comprises a base, a disintegrator, an absorbent, a binder and a lubricant.

38. (Previously Presented) The composition of claim 26 where the pharmacologically active dose comprises an active fragment of a bacterium of the genus *Dietzia*.

39. (Previously Presented) The composition of claim 26 where the pharmacologically active dose comprises a protein of the genus *Dietzia*.

40. (Previously Presented) The composition of claim 26 where the pharmacologically active dose comprises combinations of a bacterium of the genus *Dietzia*, an active fragment thereof, or a protein secreted therefrom.

41. (Previously presented). The composition of claim 26 where said bacterium is an isolated bacterium deposited with the American Type Culture Collection as Accession Number PTA-4125.

42. (Currently amended). The composition of claim 31[[41]] further comprising an animal feed.

43. (Previously presented). The composition of claim 42 where the animal feed is selected from the group consisting of grain, hay, straw, silage, cornstalks, corn, corn meal, corn glutenmeal, soybean meal, soy flour, soybean mill feed, cottonseed hulls, oats, barley, hominy, cereal brans, rice mill by-product and mixtures thereof.

44. (Currently amended). The composition of claim 31[[41]] further comprising a feed additive.

45. (New). The composition of claim 26 where said dose comprises bacterium in the range of  $10^9$  to  $10^{14}$  cfu of said bacterium.

46. (New). The composition of claim 26 where said dose comprises at least  $10^{10}$  cfu of said bacterium.

47. (New). The composition of claim 26 where said dose comprises at least  $10^{11}$  cfu of said bacterium.

48. (New). The composition of claim 26 where said dose comprises at least  $10^{12}$  cfu of said bacterium.

49. (New). The composition of claim 26 where said dose comprises at least  $10^{13}$  cfu of said bacterium.

50. (New). The composition of claim 26 where said dose comprises at least  $10^{14}$  cfu of said bacterium.

51. (New) A composition comprising a dose in the range of  $10^9$  to  $10^{14}$  cfu of a bacterium of the genus Dietzia such that the dose is capable of reducing or preventing the symptoms of a disease or syndrome whose causative agent is a mycobacterium.

52. (New) A composition comprising a protein secreted from at least  $10^9$  cfu of a bacterium of the genus Dietzia such that the composition is capable of reducing or preventing the symptoms of a disease or syndrome whose causative agent is a mycobacterium.

53. (New) A composition comprising a dose having an active fragment derived from at least  $10^9$  cfu of bacterium of the genus Dietzia such that the dose is capable of reducing or preventing the symptoms of a disease or syndrome whose causative agent is a mycobacterium.